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International Covenant on Civil and Political Rights

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**Human Rights Committee**

# Concluding observations on the fifth periodic report of the Sudan*

1. The Human Rights Committee considered the fifth periodic report of the Sudan (CCPR/C/SDN/5) at its 3532nd and 3533rd meetings (see CCPR/C/SR.3532 and 3533), held on 9 and 10 October 2018. At its 3556th meeting, held on 25 October 2018, it adopted the present concluding observations.

## A. Introduction

2. The Committee welcomes the timely submission of the fifth periodic report of the Sudan and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/SDN/Q/5/Add.1) to the list of issues (CCPR/C/SDN/Q/5), which were supplemented by the oral responses provided by the delegation.

## B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party:

(a) The adoption of the Asylum Act of 2014;

(b) The national policy to combat violence against women 2016–2031;

(c) The 2015 strategy to end early marriage;

(d) The ongoing implementation of the national strategy for the elimination of female genital mutilation 2008–2018.

4. The Committee also recognizes the role that Sudan plays in terms of hosting a vast refugee community.

5. The Committee also welcomes the State party's accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014.

* Adopted by the Committee at its 124th session (8 October–2 November 2018).

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## C. Principal subjects of concern and recommendations

### Applicability of the Covenant in the national legal system

6. The Committee takes note of article 27 (3) of the Interim Constitution of 2005, which provides that all rights and freedoms enshrined in international human rights treaties ratified by the State party shall be an integral part of its Bill of Rights. It also takes note of the State party's additional information, that the rights and freedoms enshrined in the Covenant are a binding and integral part of Sudanese law by virtue of the Interim Constitution. However, the Committee reiterates its concern over the lack of clarity of the application and precedence, in practice, of the Covenant over national law. The Committee further notes that the State party did not cite any examples of cases in which it showed that Covenant provisions had been invoked before or applied by the courts (art. 2).

7. **The State party should give full effect to the rights enshrined in the Covenant. It should take measures to raise awareness of the Covenant among judges, lawyers and prosecutors in order to ensure that its provisions are taken into account and applied by the national courts. The State party should expedite the process of legislative reform to ensure full compliance of national laws with duly ratified international treaties. It should consider acceding to the first Optional Protocol to the Covenant, which provides for the consideration of individual communications.**

### National Human Rights Commission

8. The Committee welcomes the recent appointment of the Chair, Deputy Chair and Commissioners of the National Human Rights Commission, and notes with satisfaction that the Commission has the power to receive and to investigate individual complaints, a prerogative set forth in article 9 (2) (h) of the National Human Rights Commission Act. The Committee notes with concern, however, that in terms of article 142 (1) of the Interim Constitution, the members of the Commission are appointed by the President of the Republic, which raises concerns as to the independence, in practice, of this body (art. 2), and the ability of the Commission is hampered by the immunities that those officials who are most often accused of human rights violations enjoy (see para. 38 below).

9. **The State party should take all necessary steps to bring the National Human Rights Commission into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should, in particular, ensure that the process for appointing members of the Commission is transparent and fully independent, grant the Commission sufficient resources and capacity, and ensure its full autonomy, to carry out its mandate effectively.**

### State of emergency

10. While noting the inclusion, in article 211 (a) of the Interim Constitution, of substantive, non-derogable guarantees, the Committee notes with concern that this provision does not appear to reflect the threshold of exceptional circumstances required under article 4 (1) of the Covenant. The Committee notes, in particular, the ongoing state of emergency in the states of Darfur, Kassala and North Kordofan; it notes, in this regard, that according to the State party, the state of emergency declared in the two latter states on 30 December 2017 was imposed as a precautionary measure, without showing that it was strictly required by the exigencies of the situation, and that it met all the other requirements set forth in article 4 (1) of the Covenant (art. 4).

11. **The Committee recalls its general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and requests that the State party incorporate into its legislation provisions that are fully in accordance with the substantive and procedural requirements of article 4 of the Covenant. The Committee also requests that the State party review the measures currently providing for derogation from the rights in the Covenant in those states in which the state of emergency is in force, so as to ensure that such measures are strictly required by the exigencies of the situation and meet all requirements under article 4 of the Covenant.**

**Impunity, effective remedies and reparations**

12. The Committee takes note, and welcomes the State party's renewal of a unilateral ceasefire in conflict areas, including in the states of Darfur, Blue Nile and South Kordofan, most recently in July 2018. However, and reiterating its previous concluding observations (CCPR/C/SDN/CO/4, para. 8), the Committee remains concerned about allegations that attacks against civilians attributed to government forces, including reports of large-scale counter-insurgency operations in Darfur between 2014 and 2016, remain unpunished. The Committee is concerned that, not only has the State party failed to hold to account perpetrators under national law, but it has also refused to cooperate with the International Criminal Court, which has issued arrest warrants against Sudanese nationals and officials on charges of genocide, crimes against humanity and war crimes (arts. 2 and 6–7).

13. **The State party should take all necessary measures to end impunity for perpetrators of human rights violations, in particular the most serious violations, by ensuring prosecution of past violations and by systematically conducting prompt, impartial, effective and thorough investigations in order to identify and prosecute those responsible, and to impose appropriate penalties on those who are convicted of such violations, while ensuring that the families of the victims have access to effective remedies and to full reparation. The State party should also ensure that persons involved in serious human rights violations are excluded from positions of power and authority. The Committee invites the State party to cooperate fully with international criminal processes.**

**Non-discrimination**

14. The Committee remains concerned about the persistence of entrenched discriminatory provisions in legislation, in particular in the area of family law and personal status, and concerning sexual orientation. The Committee notes that article 31 of the Interim Constitution does not define discrimination, nor does it provide for a list of prohibited grounds of discrimination, in accordance with articles 2 (1) and 26 of the Covenant. The Committee is further concerned about the absence of comprehensive anti-discrimination legislation (arts. 2 and 26).

15. The Committee is troubled by article 148 of the Criminal Code of 1991, which criminalizes sodomy, an offence punishable by flogging and a prison sentence, and which incurs the death penalty after a third conviction (arts. 2, 6–7, 17 and 26).

16. **The State party should (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a non-exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; (b) take effective measures to prevent discrimination and ensure that effective complaint mechanisms are available to victims; (c) guarantee the protection and enjoyment, on an equal footing, of Covenant rights for all persons including adults engaged in same-sex consensual activities; and (d) repeal article 148 of the Criminal Code and, in the meantime, ensure that no one is prosecuted by reason of sexual orientation or gender identity.**

**Gender equality and harmful practices**

17. While welcoming the ongoing review of personal status laws, and also noting the State party's 2015 strategy to end early marriage, the Committee is, however, concerned about the persistence of entrenched discriminatory provisions within the Personal Law Act of 1991, such as article 25 (c), which provides that the contract of marriage for a woman shall be concluded by a male guardian; article 34, which allows for the marriage of a pubescent woman to be concluded by a male guardian; and article 40 (3), which allows the conclusion of the marriage of a minor girl, if it can be proven that the marriage will "benefit" the girl. The Committee also remains concerned about the persistence, despite its previous recommendation (CCPR/C/SDN/CO/4, para. 10), of the discriminatory and vaguely defined offence of "immodest attire" in article 152 of the Criminal Code, punishable by flogging (arts. 3, 7, 23–24 and 26).

18. **Recalling its general comment No. 28 (2000) on the equality of rights between men and women, the Committee recommends that the State party take all necessary measures to (a) repeal without delay the discriminatory provisions of the Personal Law Act; (b) ensure that the minimum age for marriage is set at 18 years for both girls and boys; (c) ensure the civil registration of all marriages; (d) intensify its efforts to eradicate forced marriage and related harmful practices; (e) ensure that victims are provided with appropriate remedies and rehabilitation services; (f) repeal article 152 of the Criminal Code; (g) continue its efforts to increase women's participation in public life, in particular their representation at the highest levels of government and in the judicial system; and (h) ensure appropriate training, targeting law enforcement officials, judges, lawyers and prosecutors, aiming at the elimination of gender stereotypes on the subordination of women to men, and their respective roles and responsibilities in the family and society. The State party should also swiftly engage in the ratification process of the Convention on the Elimination of All Forms of Discrimination against Women.**

**Violence against women**

19. While noting the national policy to combat violence against women (2016–2031) and welcoming the amendment of article 149 of the Criminal Code, which no longer conflates rape with adultery and sodomy, the Committee regrets that the definition of rape does not include marital rape, despite its previous recommendation (CCPR/C/SDN/CO/4, para. 12 (a)). The Committee, more generally, remains concerned about the absence of a legal framework for preventing gender-based violence, including domestic violence (arts. 2–3, 6–7, 23 and 26).

20. **The State party should intensify its efforts to prevent and counter all forms of domestic violence against women. To this end, it should (a) enact legislation that duly protects women from domestic violence and gender-based violence, including sexual abuse in marriage by, inter alia, explicitly criminalizing domestic violence and marital rape; (b) carry out nationwide awareness-raising initiatives and training activities for State officials, especially judges, prosecutors, police officers and medical and paramedical personnel, to ensure that they respond effectively in all cases of domestic violence and gender-based violence; (c) take the necessary measures to ensure that all cases of sexual violence are investigated and the perpetrators are prosecuted and, if found guilty, punished; and (d) ensure that victims receive physical and psychological support, and have access to legal services.**

21. The Committee notes the case of Noura Hussein, a woman subjected to a forced marriage at the age of 16, who was sentenced to death after she stabbed and killed her husband in self-defence, after the latter attempted to rape her. The Committee welcomes the quashing, in June 2018, of Noura Hussein's death sentence, and its replacement with a five-year prison sentence. The Committee welcomes the oral assurance from the delegation that despite an ongoing appeal by the State prosecutor, there will be no reinstatement of the death penalty in her case. The Committee is concerned nonetheless that the gender-based violence to which she had been subjected was not taken into account as evidence by the court (arts. 2, 6–7, 14 and 26).

22. **The State party should ensure that Noura Hussein is not subjected to the death penalty and reconsider her five-year jail sentence.**

**Polygamy**

23. While noting the information provided by the State party according to which a wife has the right to seek divorce if adversely affected by polygamy, the Committee is concerned about the persistence of the practice in the State party. It is further concerned about the State party's assertion that polygamy is not prohibited under the Covenant, and regrets the lack of statistical data on this practice and its effects on women (arts. 3 and 26).

24. **Recalling its general comment No. 28 (para. 24), in which it stressed that polygamy was incompatible with equality of treatment between men and women with regard to the right to marry, as it violated the dignity of women, the Committee**

**requests that the State party take the necessary steps towards abolishing polygamy, in law and in practice.**

**Female genital mutilation**

25. While noting the information provided by the State party that the Criminal Code is being reviewed to criminalize female genital mutilation and welcoming legislation adopted in seven states in the State party prohibiting and punishing the practice, as well as the ongoing implementation of the national strategy for the elimination of female genital mutilation 2008–2018, the Committee regrets the absence of disaggregated data on the prevalence of the practice, indicating the number of complaints received and the investigations undertaken. The Committee also regrets not being provided with information on the sanctions envisaged in the amendments under way and the rehabilitation measures contemplated (arts. 3, 7, and 24).

26. **The State party should ensure that the necessary amendments to the Criminal Code are adopted swiftly to criminalize female genital mutilation throughout its territory, with sanctions commensurate with the gravity of the offence and adequate compensation for victims. The State party should guarantee that victims of these practices have access to rehabilitation services.**

**Voluntary termination of pregnancy**

27. The Committee is concerned about the criminalization of voluntary termination of pregnancy under article 135 of the Criminal Code, save under limited circumstances, leading women and girls to resort to unsafe abortion in conditions that put their lives and health at risk (arts. 3, 6–7, 17, 24 and 26).

28. **The State party should amend its legislation to provide safe, legal and effective access to abortion to protect the life and health of pregnant women or girls at risk, in cases in which carrying a pregnancy to term would cause the woman substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or is not viable. Furthermore, it should ensure that women and girls who have abortions, and the physicians assisting them, are not subjected to criminal sanctions. The State party should also ensure access to adequate sexual and reproductive health-care services, contraception and education for men, women and adolescents throughout the country.**

**Death penalty**

29. The Committee remains concerned that, despite its previous recommendations (CCPR/C/SDN/CO/4, para. 14), the death penalty remains imposed for crimes other than the most serious crimes within the meaning of article 6 (2) of the Covenant, meaning crimes involving intentional killing. The Committee notes, in particular, within the Criminal Code, that the offences of "undermining the constitutional order" (art. 50), espionage (art. 53), apostasy (art. 126), adultery (art. 146) and sodomy (art. 148) do not meet this requirement. Similarly, the Committee notes with concern that under article 9 (2) of the Prevention of Human Trafficking Act of 2014, the death penalty may be imposed for certain aggravated acts of trafficking, several of which do not meet the threshold of the most serious crimes. The Committee is concerned that the death penalty is mandatory, among others, for the offences of murder (art. 130 of the Criminal Code), armed robbery resulting in death (art. 168 (1) of the Criminal Code), drug trafficking (arts. 15 and 17 of the Narcotic Drugs and Psychotropic Substances Act of 1994), adultery (art. 146 of the Criminal Code) and apostasy (art. 126 of the Criminal Code). While noting the State party's explanations about the methods of execution that are actually used, the Committee remains concerned by the possibility of resorting to execution by stoning, which may be accompanied by crucifixion, as set forth in article 27 of the Criminal Code, and that such practices continue to enjoy legal sanction (arts. 6–7).

30. **The Committee urges the State party to amend article 27 of the Criminal Code, so as to revoke stoning and crucifixion as an officially sanctioned punishment under the national law of the State. The Committee also urges the State party to consider imposing a moratorium on the death penalty and ratifying the Second Optional**

**Protocol to the Covenant, In the meantime, the State party should revise the Criminal Code and the Prevention of Human Trafficking Act, so as to make them strictly compliant with article 6 (2) of the Covenant, and restrict the crimes for which the death penalty may be imposed to the most serious ones, understood to be crimes involving intentional killing.**

31. Notwithstanding the oral assurances provided by the delegation that the death penalty was not imposed upon children, the Committee notes with concern that article 27 (2) of the Criminal Code appears to allow for the imposition of the death penalty on children who were under 18 years of age at the time of the offence (arts. 6 and 24).

32. **The Committee urges the State party to revise article 27 (2) of the Criminal Code to ensure that the death penalty is never imposed for crimes that were committed when the persons concerned were under 18 years of age.**

### Torture and ill-treatment

33. Recalling its previous observation (CCPR/C/SDN/Q/5, para. 14), the Committee remains concerned about the lack of progress concerning the legislative approval of the bill to amend the Criminal Code, which would provide a comprehensive definition of torture. The Committee is also concerned about article 115 (2) of the Criminal Code, which provides, for the offence of torture, penalties as mild as "a term of imprisonment not exceeding three months, or a fine, or both". This is a source of concern, especially in the light of reports of systematic and widespread incidents of torture of individuals arrested and detained by the National Intelligence and Security Service. Furthermore, the Committee notes with equal concern that article 10 (2) of the Evidence Act allows convictions based on "otherwise inadmissible evidence" if "corroborated by other evidence" (arts. 2, 7 and 14).

34. **The State party should (a) adopt comprehensive anti-torture legislation, which provides for a definition of the crime of torture in accordance with the provisions of the Covenant, as well as for appropriate punishments for torture; (b) ensure that, in all jurisdictions, forced confessions are prohibited and any evidence obtained through torture is inadmissible; (c) ensure that suspected cases of torture and ill-treatment committed by law enforcement personnel, including personnel of the National Intelligence and Security Service, are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, sentenced to appropriate punishment and that victims receive compensation and are offered assistance with rehabilitation; (d) ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a recommendation that it has accepted under the universal periodic review, as well as the Optional Protocol to the Convention against Torture; and (e) establish a national mechanism for the prevention of torture.**

35. The Committee regrets that, despite several recommendations that it has made (CCPR/C/SDN/CO/3 and CCPR/C/SDN/CO/4), the State party's legislation still provides for the punishment of flogging (art. 35 of the Criminal Code), which also applies to minors (art. 47 (b) of the Criminal Code), and amputation (art. 171 (1) of the Criminal Code), which constitute, by their very nature, gross breaches of article 7 of the Covenant (arts. 6, 7 and 16).

36. **The State party should repeal provisions of its legislation providing for punishments, such as flogging and amputation, which constitute violations of article 7 of the Covenant.**

### Administration of justice and immunity for State agents

37. The Committee is concerned about the newly extended powers given to the National Intelligence and Security Service to engage in law enforcement. Moreover, the legal framework governing the security services and armed forces appears to guarantee impunity to perpetrators, in particular article 52 (1) of the National Security Act; article 45 (1) of the Police Act; and article 34 (2) of the Armed Forces Act, all of which provide for immunity from prosecution for agents of the State party. Even if these immunities may be lifted in individual cases, they provide a barrier to a general system of accountability, free from undue political influence (art. 2 (3) read with other articles).

38. **The State party should review the National Security Act, the Police Act and the Armed Forces Act, in the light of its obligations under the Covenant, in particular the obligation to provide effective remedies to victims of human rights violations, including criminal investigations and, when appropriate, prosecutions.**

39. While taking note of the additional information provided in writing by the State party, the Committee remains concerned about amendments to the Armed Forces Act introduced in 2013, which allow for the trial of civilians before military jurisdictions for vaguely defined crimes, such as spreading false news (art. 66) or undermining the Constitutional system (art. 50), and reports that political opponents of the Government have been prosecuted before military jurisdictions (art. 14).

40. **The State party should ensure that trials of civilians in military courts are exceptional and take place under conditions that genuinely afford the full guarantees stipulated in article 14 of the Covenant and the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, in particular, that they are limited to cases in which the State party can show that resorting to such trials is absolutely necessary and justified by objective and serious reasons and that, with regard to the specific class of individuals and offences at issue, the regular civilian courts are unable to undertake the trials.**

### Arbitrary detention

41. The Committee remains concerned at reported cases of arbitrary and secret detention in which persons have been held by agents of the State, in particular the National Intelligence and Security Service, at unofficial places of detention that are not subject to oversight, including judicial oversight. It further reiterates its concern (CCPR/C/SDN/CO/4, para. 18) about the fact that the legal regime governing arrest and detention in the State party is not compatible with article 9 of the Covenant, in particular the fact that, under the Criminal Procedure Code, a custody period of up to two weeks is contemplated before the suspect is formally charged (art. 79). Furthermore, under the National Security Act (art. 51), suspects may be detained for up to four and a half months without judicial oversight (arts. 2, 6–7, 9–10 and 16).

42. **The State party should align its legislation and practices with article 9 of the Covenant, bearing in mind the Committee's general comment No. 35 (2014) on liberty and security of person. In particular, it should:**

(a) **Ensure effective judicial oversight and monitoring of all places of detention;**

(b) **Ensure that anyone who was detained arbitrarily is released without conditions, and compensated;**

(c) **Ensure that the period of initial police custody is shortened, and generally does not exceed 48 hours;**

(d) **Systematically ensure that persons being held in police custody or pretrial detention are informed of their rights and that basic legal safeguards are respected, particularly the right of access to counsel;**

(e) **Use, when appropriate, non-custodial measures as an alternative to pretrial detention.**

### Enforced disappearances

43. The Committee is concerned about reports of arrests of journalists, human rights defenders, political activists, peaceful protesters and members of the opposition by the National Intelligence and Security Service, and detained incommunicado in unacknowledged places of detention, which amount to occurrences of enforced disappearances. In this respect, the Committee expresses concern about the fact that 176 cases remain unresolved and pending before the Working Group on Enforced or Involuntary Disappearances (arts. 2, 6–7, 9 and 16).

44. **The State party should resolve all cases of enforced disappearance and conduct investigations without delay; ensure that the victims and their relatives are informed of the progress and results of the investigation; identify those responsible, and ensure that they are prosecuted and punished with appropriate penalties that are commensurate with the gravity of their crimes; and ensure that victims of enforced disappearance and their families are provided with full reparation, including rehabilitation, satisfaction and guarantees of non-repetition. The State party should accept the pending visit of the Working Group on Enforced or Involuntary Disappearances and should consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Freedom of expression, peaceful assembly and association**

45. The Committee is concerned about reports of increased restrictions imposed upon the civic space in Sudan, through the arrests of journalists, human rights defenders and political activists, closure and confiscation of newspapers, and travel bans on journalists and the revocation of their licences by the Press and Press Printed Materials National Council, which is under the direct supervision of the President of the Republic. The Committee is concerned, inter alia, about the confiscation of the entire print runs of eight Sudanese newspapers in January 2018, on account of their critical coverage of the increase in the price of bread and the ensuing social unrest. The Committee is further concerned about reports of restrictions on public meetings, including a number of instances in 2018 during which the National Intelligence and Security Service prevented public gatherings of political parties (arts. 9, 19, 21–22 and 25).

46. **The State party should review its legislation and practice to (a) ensure that any restrictions on the exercise of freedom of expression, assembly and association comply strictly with the requirements set out in the Covenant; (b) release from prison all persons whose convictions had stemmed from their having exercised their rights to freedom of expression, association and peaceful assembly, and grant those persons full compensation for the harm suffered; and (c) investigate, prosecute and convict persons responsible for harassment or intimidation of, or threats against, journalists, political opponents and human rights defenders.**

**Excessive use of force**

47. The Committee is concerned about allegations that police and security officers use excessive force to disperse demonstrations. This reportedly happened, for example, during crackdowns on anti-austerity protests in January 2018, when live ammunition, rubber bullets and tear gas were reportedly used against demonstrators, resulting in the death and injury of several protesters. The Committee also remains concerned about the lack of progress in investigating the September 2013 protests over the fuel price increases, during which, according to the State party, 84 persons died. The Committee takes note of the information from the State party according to which criminal proceedings were initiated and 71 families received compensation, and that investigations remain ongoing. However, it regrets the protracted investigation process, and the fact that it was not provided with detailed figures on the actual number of investigations carried out, the charges retained, the resulting prosecutions and convictions, and details of the remedies provided in those cases (arts. 2, 6–7, 19, 21 and 25).

48. **The State party must (a) refrain from prosecuting demonstrators and meeting organizers for exercising their right of assembly; and (b) ensure that the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are implemented, through measures to ensure that law enforcement personnel do not use excessive force during demonstrations and that all such instances of excessive use of force are promptly, impartially and effectively investigated and that those responsible are brought to justice.**

**Freedom of conscience and freedom of religion**

49. While welcoming the information on the presidential amnesty granted to the Czech Christian aid worker Petr Jasek, who had been convicted of espionage, the Committee

remains concerned about restrictions, in law and practice, imposed upon the right to freedom of conscience and religious belief, including reports of the destruction of churches. The Committee also expresses concern over the offence of apostasy in article 126 of the Criminal Code. While noting the explanation of the State party according to which there have only been four cases of prosecution for apostasy, and that only open proselytizing is criminalized, the Committee reiterates that such practices are incompatible with the Covenant (arts. 18–19).

50. **The State party should:**

(a) **Repeal article 126 of the Criminal Code and amend legislative provisions that violate freedom of thought, conscience, religion and expression, so as to comply with the requirements of articles 18 and 19 of the Covenant;**

(b) **Refrain from interfering in worship by persons who do not follow the official religion, for example by destroying places of worship, if the interference is not based strictly on the requirements of necessity and proportionality, as mandated by article 18 (3) of the Covenant;**

(c) **Ensure that all persons, including atheists, or those who have renounced the Muslim faith, are able to fully exercise their freedom of thought, conscience and religion. The crime of apostasy should be abolished.**

**Internally displaced persons**

51. While welcoming the information provided in writing by the State party after the interactive dialogue, in which it indicated that the number of internally displaced persons had decreased by 92 per cent in 2018, the Committee remains concerned about the protracted internal displacement of a total of over 2 million internally displaced persons, mostly in Darfur, a population which remains heavily dependent on humanitarian aid and highly vulnerable to continuing attacks attributed to members of the Rapid Support Forces, such as the attack on the Kalma camp in South Darfur in September 2017, resulting in 5 persons being killed and 33 injured. The Committee is also concerned about reports that, between March and May 2018, Sudanese government forces carried out land attacks in South-East Jebel Marra, which is under the control of the Sudan Liberation Army, resulting in an estimated 12,000 to 20,000 persons being displaced. The Committee notes with concern reports of 111 cases, involving 148 victims of sexual violence between April 2017 and April 2018 in Darfur, allegedly committed by militia members and members of the State security forces (arts. 2, 6–7 and 12).

52. **The State party should promptly launch effective and thorough investigations, and prosecute those responsible for the attacks against civilians, including the attacks committed in Kalma (South Darfur), Jebel Marra, as well as cases of sexual and gender-based violence, and provide effective remedies and full reparation to victims. The State party should also work on durable solutions to alleviate the plight of internally displaced persons, which include safe and voluntary returns, local reintegration and resettlement.**

**Refugees, asylum seekers and migrants**

53. The Committee welcomes the State party's tradition of hospitality, and acknowledges the challenges faced by Sudan in hosting one of the largest refugee populations in the world. While welcoming article 28 of the Asylum Act of 2014, which provides for the principle of non-refoulement, the Committee is concerned about allegations of forced returns of asylum seekers and refugees, including the forced return of 104 Eritrean refugees, among them 30 minors (arts. 6–7 and 13).

54. **The State party should take the steps necessary to protect the rights of asylum seekers and refugees under the Covenant and other international standards, including by ensuring that all persons seeking asylum have the right to apply for asylum, to an individualized assessment of their asylum claims, to appeal and to effective protection against non refoulement. It should refrain from conducting, under any circumstances, collective expulsions of migrants and asylum seekers.**

## D. Dissemination and follow-up

55. **The State party should widely disseminate the Covenant, the fifth periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

56. **In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 2 November 2020, information on the implementation of the recommendations made by the Committee in paragraphs 13 (impunity, effective remedies and reparations), 30 (death penalty) and 46 (freedom of expression, peaceful assembly and association) above.**

57. **The Committee requests the State party to submit its next periodic report by 2 November 2022 and to include in that report specific and up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 2 November 2019, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its report. The State party's replies to that list of issues will constitute the next periodic report to be submitted under article 40 of the Covenant.**